



City Council Agenda

Council President
Tom Boyajian

Councilmembers

Brian Calhoun
Brad Castillo, Acting President
Mike Dages

Jerry Duncan
Henry T. Perea
Cynthia Sterling

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, NOVEMBER 18, 2003

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us) The Council meeting can also be heard live at the same web site address.

8:30 A.M. - ROLL CALL

Invocation by Reverend Bob Small, Chaplain of the Fresno Chapter of the Association of the United States Army (AUSA)

Pledge of Allegiance to the Flag

Resolution of Commendation to Scott Vincent - Councilmember Calhoun

Resolution of Commendation to the Finance Department's CAFR Staff Recognizing the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers' Association (GFOA)

Proclamation of "VICTOR'S PIZZERIA AND BISTRO DAY" - Council President Boyajian

Presentations by the City Manager

Introduction of Pat Filippone, President of the Fresno Grizzlies - Council President Boyajian

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person. Public testimony will not be taken on unscheduled/non-action items.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of November 4, 2003

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

A. * **RESOLUTION** - 50th amendment to AAR No. 2003-209 appropriating \$30,000 of proceeds from the interim lease financing for Downtown Parking expenditures to pay the costs of such financing (***Requires 5 affirmative votes***) - Finance Department
Action Taken:

B. **RESOLUTION** - Authorizing application for and acceptance of Fiscal Year 2004 grant funds from the State of California Office of Traffic Safety for the Police Department's Sobriety Checkpoint Program - Police Department
Action Taken:

1. * **RESOLUTION** - 44th amendment to AAR No. 2003-209 appropriating \$197,700 to the Police Department for the Sobriety Checkpoint Program (***Requires 5 affirmative votes***)
Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

- C. RESOLUTION** - Finding Hubb Systems, LLC (AKA Data911) to be the sole source for Mobile Data System (MDS) hardware upgrade, approve and authorize the Chief of Police to execute the Eighth Amendment to contract for upgrade of original MDS hardware, upgrade of software "per seat" licensing status to "site license" status, extension of software development schedule, interim MDS hardware maintenance, the entry into a software enhancement service and hardware extended warranty agreement - Police Department
Action Taken:
- D.** Authorization to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) for Fiscal Year 2004 - Fresno Area Express
Action Taken:
- E. RESOLUTION** - Approving the Final Map of Tract No. 4831 and accepting dedicated public uses therein; authorize the Public Works Director and the Planning and Development Director to execute the necessary documents - Planning and Development Dept.
Action Taken:
- F.** Consider alignment and width of proposed public street for a 28-lot parcel map industrial project located on the south side of E. Carmen Avenue between N. Maple and N. Chestnut Avenues - Planning and Development Dept.
Action Taken:
1. **RESOLUTION** - Approval of the street alignment and width of a public street as related to proposed tentative Parcel Map No. 2003-14
- G. ITEM REMOVED FROM THE AGENDA**
- H. *** Reject all bids for Whitesbridge trunk sewer connections at Marks and West Avenue - General Services Dept./Public Works Dept.
Action Taken:
- I. *** Award a contract to Thyssen Krupp Elevator Corp. of Fresno for elevator upgrade and modernization Garage No. 9 - General Services Dept./Public Works Dept.
Action Taken:
- J. *** Award a contract to Steve Dovali Construction for installation of an 8-inch sewer main located at Golden State Blvd. south of Ashlan Avenue -General Services Dept./Public Works Dept.
Action Taken:
- K. *** Award a requirements contract to BMW of Fresno for dual purpose motorcycles for the Fresno Police Department - General Services Dept.
Action Taken:

1.

GENERAL CONSENT CALENDAR CONTINUED

- L. * Award a contract to Bill Marvin Electric, Inc. of Fresno to install flashing beacons for school crossing at McKinley/San Pablo Avenue - General Services Dept./Public Works Dept.
Action Taken:
- M. * Reject all bids for Fresno Yosemite International Airport Air Cargo Park Airside Development - General Services Dept./Airport Dept.
Action Taken:
- N. * **RESOLUTION** - 414th amendment to MFS Resolution No. 80-420 adding and revising fees at Camp Fresno - Parks, Recreation And Community Services
Action Taken:
- O. Approve extension and modification of Grant Writer Program Agreement - Parks, Recreation And Community Services
Action Taken:
- P. **RESOLUTION** - Authorizing applications for and acceptance of Block Grant Funds from the Per Capita Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 - Parks, Recreation And Community Services
Action Taken:
1. **RESOLUTION** - Approving the applicant to apply for and accept grant funds for the Roberti-Z'Berg-Harris Block Grant program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002
Action Taken:
- Q. **RESOLUTION** - Approving the summary vacation of the west 10 feet of N. Van Ness Avenue adjacent to Lot 211 of Tract 2955, located on the west side of N. Van Ness Avenue between W. Alluvial Avenue and W. Loma Linda Drive - Public Works Dept.
Action Taken:
- R. **RESOLUTION** - Ordering the summary vacation of portions of water main easements at the northeast corner of W. Griffith Way and N. West Avenue - Public Works Dept.
Action Taken:
- S. **RESOLUTION** - Of intention to vacate the Palm-Safford alley between Franklin and "H" Streets and setting the public hearing for December 9, 2003 at 10:00 a.m. (R.I. 1031-D) - Public Works Dept.
Action Taken:
- T. Approve the purchase of an easement for public street purposes from the Stonebridge Development common area at Herndon and Marks Avenues - Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- U. * **RESOLUTION** - 47th amendment to AAR No. 2003-209 to rebudget capital funds in the amount of \$130,000 for Tower District parking and beautification based on the carryover balances from FY 2003 **(Requires 5 affirmative votes)** - Public Works Dept.
Action Taken:
- V. Approve Contract Change Order No. 12 for infrastructure for traffic signal synchronization system - Public Works Dept.
Action Taken:
- W. **RESOLUTION** - Approving the application for and acceptance of 2004 Caltrans Local Assistance Program - Bicycle Transportation Account grant funds and authorize execution of program documents (First Street Corridor Project) - Public Works Dept.
Action Taken:
1. **RESOLUTION** - Approving the application for and acceptance of 2004 Caltrans Local Assistance Program - Bicycle Transportation Account grant funds and authorize execution of program documents (Ashlan, Palm, Church, West Avenue Project) - Public Works Dept.
Action Taken:
- X. **RESOLUTION** - Approving application for and acceptance of grant award of \$341,400 from the State Office of Emergency Services (OES), through the County of Fresno, under the State Homeland Security Grant Program 03 Part II-Critical Infrastructure Protection, and authorizing execution of required documents - Fire Department
Action Taken:
1. * **RESOLUTION** - 30th amendment to AAR No. 2003-209 appropriating \$341,400 to the Fire Department for the Homeland Security Grant **(Requires 5 affirmative votes)**
Action Taken:
- Y. * **RESOLUTION** - 46th amendment to AAR No. 2003-209 appropriating \$190,700 in grant funds from the California Integrated Waste Management Board (CIWMB) for the Used Oil Block Grant and Department of Conservation Beverage Container Grant Programs **(Requires 5 affirmative votes)** - Department of Public Utilities
Action Taken:
- AA. Recommending approval of 14 members to the Public Safety Commission - City Manager's Office
Action Taken:
- BB. * Award a contract for Convention Center operations and marketing to SMG - City Manager's Office
Action Taken:
- CC. * Consider approval of a Subrecipient Agreement between the City of Fresno and the Housing Authority of the City of Fresno, awarding \$400,000 of the City's HOME funds to the Housing Authority to provide up to 30 rental housing improvement units - Planning and Development Department
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- DD. *** Consider approval of an amendment to the Single Family Moderate and Major Rehabilitation Subrecipient Agreement between the City of Fresno and the Housing Authority of the City of Fresno, awarding an additional \$500,000 of the City's HOME funds - Planning and Development Department
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

10:00 A.M. **HEARING** to consider Rezone Application No. R-03-26 and environmental findings, filed by Scott Vincent, on behalf of Thompson-Fogg Partnership, pertaining to a 10-acre parcel of land located on the south side of W. Shields Avenue between N. Brawley and N. Knoll Avenues (***Property located in District 3***) - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. R-03-26/C-03-021

Action Taken:

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five-Acre Agricultural/Urban Growth Management*) zone district to the R-2/UGM/cz (*Low Density Multiple-Family Residential/Urban Growth Management/conditional zoning*) zone district

Action Taken:

10:30 A.M. Discussion and action regarding a plan by PG&E to implement a 33% rate increase on gas - Councilmembers Calhoun and Dages

Action Taken:

- a. **RESOLUTION** - Proclaiming its concern about the detrimental impacts to the citizens of Fresno that could result from a severe increase in residential gas prices charged by Pacific Gas & Electric if approved by the California Public Utilities Commission

Action Taken:

11:00 A.M.#1 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Shell Oil, et al.

2. **Case Name:** Howard Jarvis Taxpayers' Association, et al. v. City of Fresno, Fresno Superior Court Case No. 03 CE CG 00071

3. **Case Name:** Mai Thao, et al. v. City of Fresno, et al.

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:00 A.M.#1 **CLOSED SESSION CONTINUED**

B. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Jon R. Ruiz, Adela Gonzalez and Jorge C. Aguiniga

Employee Organization(s):

1. International Association of Firefighters (IAFF Management)
2. Fresno Police Officers Association (FPOA Non-Supervisory)
3. International Association of Firefighters (IAFF Non-Management)

Action Taken:

2:00 PM - 4:00 PM **JOINT WORKSHOP** with the Mayor, City Council, Planning Commission, HCDC & Historic Preservation Commission (New Exhibit Hall, Room 2)

Action Taken:

- a. Receive General Plan, Housing Program, and Historic Preservation Annual Reports
- b. Accept modified language to General Plan Housing Element
- c. Open discussion between Mayor, City Council and Commissioners

Action Taken:

5:00 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY** - Council Chambers

Approve Agency minutes of November 4, 2003

Action Taken:

- A.** Award a contract to Bill Marvin Electric, Inc. of Fresno for the installation of streetlights at the southeast corner of Elm and Jensen Avenues - **(Agency action)**

Action Taken:

- B.** Award a contract to American Paving of Fresno for the Fresno Uptown Arts District Beautification, Phase I - **(Agency action)**

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

5:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- C. Discuss and take action regarding the Armenian Evangelical Church, located at 546 "N" Street, by:
1. Receive and hold public hearing on the report from the Blue Ribbon Commission regarding the Armenian Evangelical Church (546 "N" Street) and consider and give direction on the options and recommendations presented by the Blue Ribbon Commission; and **(Agency/Council Action)**
Action Taken:
 2. Consider bid of Lee Crippen Excavation of Fresno to provide contract services consistent with the Council/Agency direction on the options presented by the Blue Ribbon Commission regarding the building at 546 "N" Street to either (a) reject all bids; or (b) award contract to Lee Crippen Excavation of Fresno for base bid with Alternate #1 which includes saving the facade by palletization for Agency storage **(Agency Action)**
Action Taken:

ADJOURN

2. GENERAL ADMINISTRATION

- A. * **RESOLUTION** - 45th amendment to AAR No. 2003-209 appropriating \$2,377,200 to the Police Department for the Neighborhood Traffic Unit **(Requires 5 affirmative votes)** - Police Department
Action Taken:

3. CITY COUNCIL

- A. Request status report on the Southwest Fire Process-Improvement Task Force recommendations - Councilmember Sterling
Action Taken:
- B. Direct staff to remove magnolia trees in front of 4937 E. Townsend, and 4949 E. Heaton as the trees are causing problems for the property owners - Councilmember Dages
Action Taken:

4. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda.
Presentation limited to three (3) minutes.**

A. Scheduled Public Comment -

B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Nov. 25 - **NO MEETING - THANKSGIVING WEEK**

Dec. 2 - **10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 58, Tract No. 5170

Dec. 2 - **10:10 A.M.** Adopt Resolution of Intention No. 1030-D to vacate "N" St. and the "N-O" alley between Ventura and Freeway 41, Santa Clara Street betw. "N" and "O" Streets

Dec. 3 - **4:00 PM - 7:00 PM JOINT WORKSHOP** re: Regional Job Initiative (*Location - University Business Center, Room 194, Fresno State campus*)

Dec. 9 - **10:00 A.M. HEARING** re: vacation of Palm, Safford alley betw. Franklin and "H" Street, R.I. No. 1031-D

Dec. 9 - **10:15 A.M. HEARING** re: Rezone Appl. No. R-03-21, property located at the northwesterly side of Figarden Drive betw. N. Santa Fe and W. Sierra, filed by LATCO

Dec. 9 - **10:30 A.M. HEARING** re: CFD No. 2, Annexation No. 59, Tract No. 5135

Dec. 9 - **10:40 A.M. HEARING** re: Rezone Appl. No. R-03-52, filed by Lisa Quimet

Dec. 9 - **2:30 P.M. WORKSHOP** re: Code Enforcement

Dec. 23 - **NO MEETING - CHRISTMAS WEEK**

Dec. 30 - **NO MEETING - NEW YEAR'S WEEK**

Jan. 6 - **10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 60, Final Tract Map No. 5098

Jan. 20 - **10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 61, Final Tract Map No. 4598

